

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**ODELL M. HARDISON JR.,
Petitioner,**

v.

Case No. 16-C-0287

**TIMOTHY DOUMA, Warden,
New Lisbon Correctional Institution,
Respondent.**

ORDER

Odell Hardison Jr., an inmate at New Lisbon Correctional Institution, has filed a petition pursuant to 28 U.S.C. § 2254. Before I may proceed with this case further, however, I must be satisfied that I have subject matter jurisdiction. When Hardison filed his present petition, the Clerk of Court notified me that he had filed two prior petitions for a writ of habeas corpus under 28 U.S.C. § 2254 in this court. See *Hardison v. Pugh et al.*, E.D. Wis. Case No. 10-C-0285 (filed April 5, 2010); *Hardison v. Pugh*, E.D. Wis. Case No. 13-C-1244 (filed November 5, 2013). Both of the prior petitions challenged the same conviction as the present petition, i.e., Hardison's 2004 conviction in Milwaukee County of several drug offenses and being a felon in possession of a firearm. This court dismissed the 2010 petition as untimely. See 28 U.S.C. § 2244(d). The court dismissed the 2013 petition for lack of jurisdiction, reasoning that it was a second or successive petition that Hardison had not obtained permission to file. See 28 U.S.C. § 2244(b) (requiring district court to dismiss a second or successive habeas petition unless the court of appeals has authorized the district court to consider the petition).

The present petition is Hardison's third petition challenging his 2004 conviction. As was the case with the second petition, Hardison has not obtained permission from the court of appeals to file a successive petition. Accordingly, I lack jurisdiction to consider the third petition and will dismiss it.

For the reasons stated, **IT IS ORDERED** that this case is **DISMISSED** for lack of subject matter jurisdiction. The Clerk of Court shall enter final judgment. Pursuant to Rule 11 of the Rules Governing § 2254 Cases, I find that the petitioner has not made the showing required by 28 U.S.C. § 2253(c)(2), and therefore the petitioner's motion for a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the petitioner's motion for leave to proceed in forma pauperis is **DENIED** as **MOOT**.

Dated at Milwaukee, Wisconsin, this 30th day of March, 2016.

s/ Lynn Adelman

LYNN ADELMAN
District Judge